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RECOMMENDATIONS FOR IMMEDIATE COVID-19 ACTION

THE RIGHTS AND NEEDS OF PEOPLE WITH DISABILITIES WHO USE PERSONAL ASSISTANCE SERVICES AND SUPPORTS THROUGHOUT COVID-19 PLANNING AND RESPONSE

Purpose:

This document provides recommendations for rapid response solutions for federal and state governments to close the real and anticipated gaps in the COVID-19 outbreak and public health emergency-related continuity of operation for people with disabilities, older adults, and people with access and functional needs. Our recommendations include contingency plans for disability and aging services, supports, and programs funded directly with federal or state funds or through federal assistance to state, local, tribal and territorial governments and non-government providers.

These recommendations are provided by the nation's leading experts on the rights and needs of people with disabilities before, during and after disasters, including public health emergencies. Their expertise includes addressing and closing the gaps in sustaining services for a much broader demographic who will also be impacted by disruptions in short and long-term services and supports at home and in community-based, and intermediate and long-term facilities. This includes people with access and functional needs, disabilities, older adults, children, people experiencing homelessness, living in poverty, and people with health and medical needs related and unrelated to COVID-19.

Currently, there is no indication that there is an effort underway to anticipate and meet the personal assistance services (aka personal attendants, direct support professionals, personal care services, formal and informal caregivers) of millions of people who depend on the continuity of their services without disruption. Failing to address these needs will likely result in a need for massive emergency response.

The Partnership for Inclusive Disaster Strategies is the only national organization with a mission of equal access to emergency and disaster programs before, during, and after disasters for people with disabilities. We are the nation's experts on disability rights, accessibility and inclusion throughout all phases of emergency preparedness, disaster operations, and community wide disaster recovery.

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Recommendations:

Immediately suspend or waive lengthy and restrictive processes and procedures, and implement rapid response solutions to fill real or anticipated gaps in health, safety, dignity, and independent living services and supports by;

- a. Allowing people receiving services and supports to hire on the spot without background checks, processing documents or verifying citizenship to eliminate any unnecessary delay;
- b. Waiving restrictions on hiring their spouse, partner, and family members;
- c. Respecting the rights of people with disabilities to make their own choices in all aspects of their COVID-19 contingency plan when their services and supports may be interrupted. This includes choosing who provides assistance when related to their bodily functions, daily life, and individual needs, by eliminating administrative barriers;
- d. Suspending or waiving overtime limiting regulations for personal assistance services so that people with limited staff and/or support network, staff and/or support network who are ill, quarantined or otherwise unavailable, and for individuals in rural areas with limited resources to continue to receive long-term services and supports;
- e. Allowing overtime for family members and live-in support providers who are also paid employees;
- f. Guaranteeing personal assistance service providers paid sick time to encourage providers to stay home and decrease spreading infection; and
- g. Providing funding to community organizations such as Independent Living Centers and developmental disability service providers to establish or expand expedited recruitment processes for emergency back up assistance for all formal and informal, government and non-government supports and services to close COVID-19 gaps and keep people independent.

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Federal public health and medical resources may be considered or utilized to fill extreme gaps in services. These personnel are typically unfamiliar with the obligations of the government to people with disabilities and older adults living in their own homes and in the community.

These government personnel will need immediate training and technical assistance on self-directed assistance, optimizing health, safety, dignity, and independence as imperatives for maintaining the civil rights of people with disabilities and older adults whether they are at home, in community-based settings, or institutional facilities. The members of the Partnership for Inclusive Disaster Strategies can identify qualified experts to deliver this training and technical assistance.

The government resources that may be under consideration whose staff who will need training include:

- i. National Disaster Medical System- Disaster Medical Assistance Teams
- ii. Medical Reserve Corps
- iii. Public Health Service
- iv. National Guard

Loosening regulations and providing flexibility does not eliminate the obligation to maintain paid services and supports provided by qualified personnel. People with disabilities, older adults, and people with access and functional needs MUST NOT be expected to rely on volunteers and charity organizations as a substitute for the government's failure to prepare for maintaining continuity of operations and resulting gaps in services.

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However, in the absence of planning and adequate resources to meet obligations under federal civil rights laws, non-government resources may be considered by state, county, or local officials. These volunteers MAY be able to provide in-home support if provided with appropriate and inclusive training and Personal Protective Equipment including:

- I. Community Emergency Response Teams
- II. Students from schools of Nursing, Physical Therapy, Occupational Therapy, Allied Health, and other disciplines
- III. Qualified members of voluntary organizations active in disasters and faith-based groups

For more information on disability rights and inclusion throughout the COVID-19 outbreak and all public health emergencies and disasters please contact:

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